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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

EDWARD SOTO ALVAREZ,  
Plaintiff,

v.

KILOLO KIJAKAZI,  
ACTING COMMISSIONER OF  
SOCIAL SECURITY,  
Defendant.

No. 1:20-CV-01390-BAK (BAM)

**AMENDED STIPULATION AND ORDER  
FOR AWARD AND PAYMENT OF  
ATTORNEYS FEES PURSUANT TO THE  
EQUAL ACCESS TO JUSTICE ACT (28  
U.S.C. §2412(d))**

1 IT IS HEREBY STIPULATED by and between the parties, through their undersigned  
2 attorneys, subject to the approval of the Court, that Edward Soto Alvarez (“Plaintiff”) be awarded  
3 attorney fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. §2412 (d), in the  
4 amount of seven thousand eighty-eight dollars and thirty-three cents (\$7,088.33). This represents  
5 compensation for legal services rendered on behalf of Plaintiff by counsel in connection with this  
6 civil action, in accordance with 28 U.S.C. §2412 (d).

7 After the Court issues an Order for EAJA fees to Plaintiff, the government will consider  
8 the matter of Plaintiff’s assignment of EAJA fees to Plaintiff’s attorney. Pursuant to *Astrue v.*  
9 *Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will depend on whether the  
10 attorney fees are subject to any offset allowed under the United States Department of the  
11 Treasury’s Offset Program. After the Order for EAJA fees is entered, the government will  
12 determine whether they are subject to any offset.

13 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines  
14 that Plaintiff does not owe a federal debt subject to offset, then the government shall cause the  
15 payment of fees approved to be made payable to Melissa Newel or Newel Law (collectively  
16 “Plaintiff’s counsel”), pursuant to the assignment executed by Plaintiff. Any and all payments  
17 made shall be delivered to Plaintiff’s counsel.

18 This stipulation constitutes a compromise settlement of Plaintiff’s request for EAJA  
19 attorney fees and does not constitute an admission of liability on the part of Defendant under  
20 EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any  
21 and all claims that Plaintiff and/or Plaintiff’s counsel may have relating to EAJA attorney fees  
22 and expenses in connection with this action.

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1 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security  
2 Act attorney fees under 42 U.S.C. §406(b), subject to the provisions of the EAJA.

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4 Respectfully submitted,  
5 Dated: February 22, 2022 NEWEL LAW

6 By: Melissa Newel  
7 Melissa Newel  
8 Attorney for Plaintiff  
9 EDWARD SOTO ALVAREZ

10 Dated: February 22, 2022 PHILLIP A. TALBERT  
11 United States Attorney  
12 PETE THOMPSON  
13 Acting Regional Chief Counsel, Region IX  
14 Social Security Administration

15 By: Caspar Chan\*  
16 CASPAR CHAN  
17 (\*Authorized by email dated 02/22/2022)  
18 Special Assistant U.S. Attorney  
19 Attorneys for Defendant

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**ORDER**

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees and Expenses (the "Stipulation"), 28 U.S.C. § 2412(d) filed on February 24, 2022 (Doc. No. 28.):

**IT IS ORDERED** that fees and expenses in the amount of SEVEN THOUSAND EIGHTY-EIGHT DOLLARS AND THIRTY-THREE CENTS (\$7,088.33) as authorized by the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d) be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: March 1, 2022

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE